

40. (New) A method for lubricating surfaces in food manufacturing and processing industries, comprising:

applying to the surfaces a composition comprising:

- (a) a mixture of at least two or more acidifying agents, the at least two acidifying agents being a mixture of lactic acid and phosphoric acids;
- (b) at least one anionic surface active agent;
- (c) at least one sequestering agent, and

wherein the ingredients are generally regarded as safe and/or allowed by the USFDA for use on food, the composition being at a pH of 5.0 or below.

REMARKS

Upon entry of the present Amendment Claims 22 – 40 remain in the Application, Claims 1 – 21 have been cancelled hereby.

At the outset, Applicant's Attorney wishes to thank the Examiner for the courtesies extended during the telephone conference of August 31, 2004 with respect to the above identified application. As a consequence of the agreement reached during the telephone conference, Applicant has cancelled Claims 1 – 21 directed to a composition of matter and replaced them with new claims 22 – 40, which are directed to a method for cleaning and sanitizing food stuffs as well as for lubricating a food surface.

It is contended that by this amendment and in view of the agreement reached with the Examiner that all bases of rejection set forth in the Office Action are now traversed and overcome.

In the Office Action the Examiner rejected Claims 1 – 21 as being unpatentable over Murch et al, U.S. Patent No. 5,849,678 in view of Lopes, U.S. Patent No. 5,942,478. It was the Examiner's contention that Murch discloses a cleaning and sanitizing composition for produce comprising nonionic surfactants, etc. The Examiner has conceded that Murch discloses all of the instantly required except the additional acidifying/sequestering agents such as lactic acid and pyrophosphate hereof.

The Examiner further contended that Lopes discloses an antimicrobial and sanitizing composition system comprising sequestering agents and, thus, it would have been obvious to combine the teachings of these two references.

As pointed out to the Examiner during the course of the interview, the Lopes reference pertains to a soap and does not even remotely suggest or hint at the deployment of components thereof into a composition which is used to clean food and food-contacting surfaces. The composition of Lopes includes skin lubricants, etc. which would never be incorporated into the composition of the type used in the present method. The Examiner agreed with the contention during the course of the interview.

While the Murch reference teaches a cleaning and sanitizing composition for cleaning produce the reference does not teach the mixture of at least two acidifying

agents of at least lactic and phosphoric acid. Thus, the reference fails to teach, disclose or render obvious the present invention as set forth in the newly presented claims. Similarly, the Lopes reference does not provide the deficiencies to the primary reference which would be prerequisite to negate patentability herein. Thus, it is submitted that by virtue of what has been set forth herein, the rejection has been traversed and overcome; the claims have been amended in a manner agreed to with the Examiner, and in all the respects the application has now been placed in condition for allowance.

A notice to this effect it is, therefore, respectfully requested.

If the Examiner feels the prosecution of this application can be expedited than he is courteously requested to place a phone call to Applicant's Attorney at the number listed below.

Respectfully submitted,


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Dated: Sept. 2, 2004

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